REMARKS

Claims 3-9 and 11 are now pending in the application. Claims 1, 2 and 10 have been cancelled. In view of the above amendment, applicant believes the pending application is in condition for allowance.

REQUEST FOR CONSIDERATION OF IDS REFERENCE

To date the Applicants have not received the IDS Form 1449 filed with the Application on December 5, 2001, showing that the reference has been considered by the Examiner. We have enclosed a copy of the IDS Form 1449 for your convenience.

The Examiner also stated that the article title "Rate Control System Capable of Users' Customization" was not considered because no copy was received. Applicants submitted the reference along with a partial English translation on November 15, 2004 and hereby are enclosing another copy so that the article may be considered.

We would appreciate your initialing the above-mentioned reference along with the IDS Form 1449 filed December 5, 2001 and returning a copy of the initialed IDS Form 1449 to our office at your earliest opportunity.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ort (U.S. Pat. No. 5,784,527). Claims 1, 2 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. (U.S. Pat. No. 6,088,721). These rejections are respectfully traversed.

Applicants have cancelled Claims 1, 2 and 10 and therefore render this rejection moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ort (U.S. Pat. No. 5,784,527) in view of Green et al. (U.S. Pat. No. 6,003,084). Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ort in view of Muller et al. (U.S. Pat. No. 6,356,541). This rejection is respectfully traversed.

Applicants respectfully assert that the rejection of the above-referenced claims does not establish a *prima facie* case of obviousness for the following reasons.

Ort is directed to a method for error handling during playback of an audio/video data stream. Error handling includes an ability to seek forward a predetermined number of seconds in order to avoid a bad media sector. However, Ort does not request or receive from a server a reproduction from an intermediate portion of a data stream.

In Lin, a protocol is provided to ensure that objects sent by a server to a destination, such as a caching server, actually arrive by maintaining a record of time information when the object (i.e., file) was sent. However, Lin is distinguishable since the time information is not taken from a data stream as required in the invention. Further, a data packet is distinguishable from the "object" in Lin.

CONCLUSION

Prompt and favorable consideration of this amendment is respectfully requested. If

the Examiner believes that personal communication will expedite prosecution of this

application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please

charge our Deposit Account No. 08-0750, under Order No. 5077-000076/US from which

the undersigned is authorized to draw.

Dated: November 23, 2005   Respectfully submitted,

                                             By_____
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